

REMARKS

Claim Rejections Under 35 U.S.C. § 102

Claims 1, 18, 3-5, 12-17, 19, 23, 24 and 25

Claims 1, 18, 3-5, 12-17, 19, 23, 24 and 25 were rejected under 35 U.S.C. § 102(e) as being anticipated by Park et al. (U.S. Publication 2001/0024860). Applicant respectfully traverses.

The Office Action asserts, “Park et al. teach the dopants below the surface of the aluminum oxide layer are filling or moving into the pores or vacancies or voids or are confined to the pores or vacancies or voids.” Office Action, page 2, third paragraph from bottom. However, Applicant has expressly differentiates pores to be open to the surface of the aluminum oxide layer and voids to be spaces between grains or crystals of aluminum oxide that do not extend to the surface of the aluminum oxide layer. *See*, Specification, paragraph 0022 and Figure 1A.

Claims 1 and 18 each recite, in part, “wherein the presence of dopant material below the surface is confined to the pores.” Thus, Applicant’s claims 1 and 18 preclude dopant material contained below the surface of the aluminum oxide layer in structures other than pores. Because the Office Action admits that dopant material of Park et al. fills voids, which Applicant has defined to be below the surface of the aluminum oxide layer, Park et al. cannot teach that its dopant material below the surface of the aluminum oxide layer is confined to pores on its surface as the Office Action admits that dopant material is contained elsewhere below the surface. Thus, Applicant submits that the reference expressly teaches away from the limitations of Applicant’s claims 1 and 18. As claims 3-5 and 12-17 depend from and further define patentably distinct claim 1, and claims 19 and 23-25 depend from and further define patentably distinct claim 18, these claims are also believed to be allowable. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e), and allowance of claims 1, 18, 3-5, 12-17, 19, 23, 24 and 25.

Claims 26, 28-30, 37-40 and 42

Claims 26, 28-30, 37-40 and 42 were rejected under 35 U.S.C. § 102(e) as being anticipated by Park et al. Applicant respectfully traverses.

Claim 26 recites, in part, “wherein the presence of dopant material below the surface is confined to the pores.” As noted with respect to claims 1 and 18, the Office Action admits that dopant material is located below the surface of Park et al.’s aluminum oxide layer in structures precluded by Applicant’s claim language, i.e., dopant material contained in voids below the surface is inconsistent and contrary to Applicant’s requirement that such dopant material be confined to its pores. Thus, Applicant submits that the reference expressly teaches away from the limitations of Applicant’s claim 26. As claims 28-30, 37-40 and 42 depend from and further define patentably distinct claim 26, these claims are also believed to be allowable. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e), and allowance of claims 26, 28-30, 37-40 and 42.

Claim Rejections Under 35 U.S.C. § 103

Claims 6-7, 8-11, 20-21 and 22

Claims 6-7, 8-11, 20-21 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Park et al. Applicant respectfully traverses.

Applicant contends that it has shown claims 1 and 18 to be patentably distinct from Park et al. The taking of official notice in the Office Action mailed October 17, 2005, taken either alone or in combination with Park et al., fails to overcome the deficiencies of the Park et al. reference with respect to claims 1 and 18. As claims 6-7 and 8-11 depend from and further define patentably distinct claim 1, and claims 20-21 and 22 depend from and further define patentably distinct claim 18, these claims are also believed to be allowable. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e), and allowance of claims 6-8, 8-11, 20-21 and 22.

Claims 31, 32, 33-36, 41 and 43-45

Claims 31, 32, 33-36, 41 and 43-45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Park et al. Applicant respectfully traverses.

Applicant contends that it has shown claim 26 to be patentably distinct from Park et al. The taking of official notice and the inclusion of Weldon et al. as presented in the Office Action mailed October 17, 2005, taken either alone or in combination with Park et al., fail to overcome the deficiencies of the Park et al. reference with respect to claim 26. As claims 31, 32, 33-36, 41 and 43-45 depend from and further define patentably distinct claim 26, these claims are also believed to be allowable. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e), and allowance of claims 31, 32, 33-36, 41 and 43-45.

Allowable Subject Matter

Applicant acknowledges that claims 2, 27 and 88-107 were indicated as being allowed.

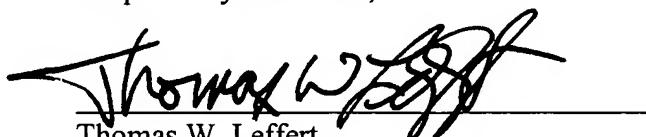
CONCLUSION

In view of the above remarks, Applicant believes that all pending claims are in condition for allowance and respectfully requests a Notice of Allowance be issued in this case. Please charge any further fees deemed necessary or credit any overpayment to Deposit Account No. 501373.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 312-2204.

Respectfully submitted,

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